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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

MARK FONTANA

CIVIL ACTION NO. 07-2046

VERSUS

JUDGE ROBERT G. JAMES

JOHNNY'S PIZZA HOUSE

MAG. JUDGE KAREN L. HAYES

ORDER

Pending before the Court is Defendant Johnny's Pizza House's ("Johnny's") Motion for Sanctions [Doc. No. 39] against Plaintiff Mark Fontana ("Fontana").

Johnny's contends that Fontana has failed to (1) provide his corrections, changes, or additions to the proposed pretrial order; (2) provide his witness list; and (3) provide his exhibit list or proposed exhibits. Johnny's seeks *inter alia* an award of its reasonable attorney's fees and costs incurred as a result of Fontana's misconduct.

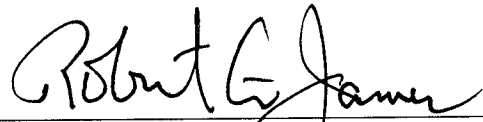
In response [Doc No. 45], Fontana states generally that he has not been uncooperative and that he opposes a prospective award of costs or attorney's fees.

The Court finds that Fontana has failed to comply with the Court's orders. *See* [Doc. Nos. 10, pp. 3, 5; 27]. Under Federal Rules of Civil Procedure 16(f) and 37(b), the Court may impose sanctions for failure to obey the Court's scheduling, pretrial, or discovery orders. *See* FED. R. CIV. 16(f), 37(b). The Court finds that an award of reasonable expenses is an appropriate sanction in this case. Accordingly,

IT IS HEREBY ORDERED that Fontana is SANCTIONED for the costs and reasonable attorney's fees associated with Fontana's noncompliance in an amount to be determined by the prospective admission of evidence.

IT IS FURTHER ORDERED that Johnny's file a memorandum by **June 5, 2009**, establishing by affidavit or other appropriate documentation the amount of costs and attorney's fees associated with Fontana's noncompliance.

MONROE, LOUISIANA, this 27 day of May, 2009.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE